

COMMITTEE ON LAND USE
(Standing Committee of Berkeley County Council)

Chairman: Mr. Phillip Farley, Council Member District No. 1

A **meeting** of the **Committee on Land Use**, Standing Committee of Berkeley County Council, was held on Monday, **May 9, 2011**, in the Assembly Room of the Berkeley County Administration Building, 1003 Highway 52, Moncks Corner, South Carolina, at 6:03 p.m.

PRESENT: Chairman Phillip Farley, Council District No. 1; Committee Member Cathy S. Davis, Council District No. 4; Committee Member Jack H. Schurlknight, Council District No. 6; Committee Member Caldwell Pinckney, Jr., Council District No. 7; Committee Member Steve C. Davis, Council District No. 8; ex-officios Mr. Daniel W. Davis, County Supervisor, Mr. Timothy J. Callanan, Council District No. 2, Mr. Robert O. Call, Jr., Council District No. 3, and Mr. Dennis L. Fish, Council District No. 5; Ms. Nicole Scott Ewing, County Attorney; Ms. Elizabeth Cannon, Assistant County Attorney; and Mrs. Catherine Windham, Acting Clerk of County Council.

In accordance with the Freedom of Information Act, the electronic and print media were duly notified.

Chairman Farley called the meeting to order. Mr. Donald (Chip) Boling, Jr., gave the Invocation, and Chairman Farley led in the Pledge of Allegiance to the Flag of the United States of America.

Chairman Farley: "At this time, we are in need of an Executive Session to start it out with, and I hope it won't be long."

It was moved by Committee Member Schurlknight and seconded by Committee Member Cathy Davis to **enter** into **Executive Session** to discuss matters relating to the proposed location, expansion, or provision of services encouraging location or expansion of industries or other businesses in the area served by the County; or discussions of negotiations incident to proposed contractual arrangements and proposed sale or purchase of property; the receipt of legal advice, where the legal advice relates to a pending, threatened or potential claim; or other matters covered by the attorney/client privilege; settlement of legal claim or the position of the County in other adversary situations involving the assertion against the County of a claim. The motion passed by unanimous voice vote of Council.

The Committee entered into Executive Session at 6:06 p.m., and returned to Committee Session at 7:04 p.m.

Chairman Farley: "Madame Attorney, would you report us out of Executive Session please?"

Mrs. Ewing: “Yes, Mr. Chairman, the Committee went into Executive Session for the reasons stated in the motion. No action was taken.”

Chairman Farley: “Thank you.”

APPROVAL OF MINUTES

Chairman Farley: “First on the agenda is approval of the minutes from the April 11, 2011 meeting.”

It was moved by Committee Member Schurlnknight and seconded by Committee Member Steve Davis to **approve** the minutes as presented. The motion passed by unanimous voice vote of the Committee.

A. Consideration of a proclamation honoring the accomplishments of the 2010-2011 Hanahan High School Wrestling Team.

Chairman Farley: “This is a Berkeley County, South Carolina, Proclamation Honoring the Accomplishments of the 2010-2011 Hanahan High School Wrestling Team.

WHEREAS, the Hanahan High School Wrestling Team had a very successful season during the 2010-2011 academic year finishing with a record of twenty-nine wins and three losses, and securing the South Carolina AA Class State Championship in a 53 to 25 victory over Chesnee; and

WHEREAS, individual members of the wrestling team have secured state and national honors, including teammates Francis Boykin and Dennis Flores winning individual state championships, and J.J. Johnson and Dennis Flores being selected as High School All Americans for their respective weight classes; and

WHEREAS, Berkeley County Council is proud to recognize the outstanding accomplishments in youth athletics that was achieved by the Hanahan High School Wrestling Team and its members in attaining such impressive accomplishments; and

WHEREAS, this goal could not have been reached without the remarkable coaching abilities of Mr. Ray Adkins, a nominee for State Coach of the Year, the support of Hanahan High School Principal Dr. Glenda Levine, and the tremendous outpouring of community support for the Hanahan High School Wrestling Team.

NOW, THEREFORE, BE IT RESOLVED by Berkeley County Council in a meeting duly assembled that Council hereby honors the exemplary performance of the 2010-2011 Hanahan High School Wrestling Team.”

It was moved by Committee Member Steve Davis and seconded by Committee Member Pinckney to **approve** consideration of the proclamation honoring the

accomplishments of the 2010-2011 Hanahan High School Wrestling Team. The motion passed by unanimous voice vote of the Committee.

[Applause]

Chairman Farley: "I'm gonna try to have the coach and the team up here at the next meeting to receive this."

B. Consideration prior to First Reading of the following:

1. Request by W.B. Bazzle, located on 211 Maplewood Road, Moncks Corner, TMS #161-00-02-160, #161-00-02-187, #161-00-02-189, and a portion of TMS #161-00-02-031 (13 ± acres), **from F-1, Agricultural District, to HI, Heavy Industrial District.** Council District No. 6

[Staff recommended denial]

[Planning Commission recommended denial – vote 5-1)

Chairman Farley: "Number One on that list (above), has been withheld or is going to be held for a month, and they're gonna try to re-establish some boundaries."

2. Request by Cypress Village, LLC, and Worley Investments, LLC, located at 679 Treeland Drive, Ladson, a portion of TMS #242-00-01-008, #242-00-01-066 and #242-00-01-094 (2.04 ± acres), **from R-5, Multi-family Residential District, OI, Office Institutional District and F-1, Agricultural District, to GC, General Commercial District.** Council District No. 5

[Staff recommended approval]

[Planning Commission recommended approval]

Committee Member Steve Davis: "Second."

Committee Schurlknight: "Second."

Committee Member Cathy Davis: "Second."

Mr. Fish: "Second."

It was moved by Committee Member Steve Davis and seconded by Committee Member Schurlknight to **approve** the request by Cypress Village, LLC, and Worley Investments, LLC.

Chairman Farley: "I have a motion and a second..."

Mr. Fish: "It's in my district."

Chairman Farley: "...Is there any discussion?"

Committee Member Steve Davis: "You can't still do it."

Mr. Fish: "Mr. Chairman, well, it doesn't make any difference. I don't get to represent my constituents."

Committee Member Steve Davis: "You will."

Mr. Fish: "This is crap."

Mr. Eric Greenway, Planning and Zoning Director: "Yes, this particular piece of property is a – currently has a business located on it. It is the American Biker Dealership, located out on Treeland Blvd., near the Tall Pines Neighborhood and near College Park Road. They are requesting to rezone some property. If you will look on your map there, you see the red square? Some of their present property or property that they would like to purchase is extending into a piece of property zoned R-5, and in order for them to utilize that, they need to rezone the property to General Commercial. We're using this opportunity to clean up a bunch of zoning issues in this area. You can see two parcels that are zoned Flex 1. The American Biker establishment is zoned OI and GC, and then you have that R-5 property back there. We're just gonna clean all of that up and make this a consistent zoning proposal, and we recommend approval."

Chairman Farley: "Staff and Planning Commission, both, recommended approval."

Mr. Greenway: "That's correct."

Chairman Farley: "What's the pleasure of the Committee?"

Committee Member Steve Davis: "Well, I did say move for approval."

Committee Member Schurlknight: "You already got your second; yeah, now the vote."

The motion passed by unanimous voice vote of the Committee.

Mr. Fish: "Mr. Chairman?"

Chairman Farley: "Yes, Sir, Mr. Fish."

Mr. Fish: "I would again like to express my displeasure with this Committee. Number one is this is my district. I'm not even allowed to represent constituents in my own district by not being on this Committee. The first time I'll be able to get a chance to vote would be at Third Reading, and if ya'll decide to deny it, I would not have a say for my constituents. I wanted to just again express my displeasure with the way this is organized and the lack of being able to represent constituents. Thank you."

Chairman Farley: "Thank you, Mr. Fish."

3. Request by Mark Ahrens, located on Clements Ferry Road at intersection with Fiddler Crab Lane, Charleston, TMS #263-00-02-005, (0.37 acre), from GC, General Commercial District, to R-2, Manufactured Residential District. District No. 2
[Staff recommended denial]
[Planning Commission recommended denial]

Mr. Fish: "That's your area."

Committee Member Cathy Davis: "Move for **denial** on behalf of Tim Callanan, who cannot vote on this Committee."

Mr. Fish: "Mr. Callanan, you represent that district. You're not on the Committee. Got any words of wisdom?"

Mr. Callanan: "I would recommend a denial, but I'm not on the Committee, so Ms. Davis did it for me."

Chairman Farley: "That's in District 2. Dennis – I mean a..."

Mr. Greenway: "Yes; well, you know, the motion is to deny. The staff recommended denial. Planning Commission recommended denial. This property is pretty much surrounded by the City of Charleston, and that and the parcel right behind it is an island here, surrounded by the city. This was within the City of Charleston's planning area. They have a land use plan for this area, and we, at the staff level, would like to work with the city, and give them an opportunity to annex this property into the city limits to be consistent with their plans. It is not consistent with our current plan, nor with their proposed – with their plan weren't they to annex the property. So, we recommended denial."

Committee Member Steve Davis: "I'm gonna second it, because it's the proper thing to do, but we're not gonna fight every committee meeting addressing rules that we have established and approved by this Council until this two years has commenced. There are certain committees that I'm not privy to, and I do not suggest and use the same language that I've heard twice."

Mr. Callanan: "Mr. Chairman?"

Committee Member Steve Davis: "I've got the floor right now."

Mr. Callanan: "Ah, I thought you were done. You stalled; sorry."

Committee Member Steve Davis: "The rules have been established, and a..."

Mr. Fish: "By a four to four vote."

Committee Member Steve Davis: "Well, I don't, you know, that's democracy. And democracy, once the rules have been established, it's established. Now, we do have a procedure where we have elections every two years, in some instances four years, where the rules get changed. Now, the rules have been established, and we're gonna adhere to it. That's all I've got to say, and that's..."

Mr. Callanan: "Mr. Chairman?"

Chairman Farley: "Mr. Schurl – I mean, Mr. Callanan; I'm sorry."

Mr. Callanan: "It is my right to speak up against injustice, and I intend to continue to do it. Thank you."

Chairman Farley: "Thank you, Mr. Callanan. We have a motion and a second."

The motion to **deny** the request by Mark Ahrens passed by unanimous voice vote of the Committee.

4. Request by Dean Hensley, located at 210 and 216 Cember Way, Summerville, **TMS #232-16-01-001**, (1.98 acres), **from GC, General Commercial District, to LI, Light Industrial**. Council District No. 4
[Staff recommended denial]
[Planning Commission recommended conditional approval. The conditions placed are for the applicant to rezone all the GC parcels to LI and meet the zoning requirements for Light Industrial.]

Mr. Greenway: "Yeah, if I may elaborate on that real quickly before we have a motion. Essentially, this property has gone through a couple rezonings over the last few years. It used to be zoned Light Industrial, and the Light Industrial zoning classification carries with it a minimum acreage requirement of two acres to create a lot. The property owner did not desire to create two-acre lots in this area, so he requested to rezone the property to General Commercial and then created some one-acre lots and some lots that would not meet that LI requirement, but he has proceeded to put LI users in the buildings that he's built in a General Commercial zoning classification. So, we have some non-conforming uses in this area, and we, as a staff, would just like to use this opportunity with this particular rezoning application to clean that area up. And, the applicant would have the option of going before the Board of Zoning Appeals and seeking lot size variances to leave the lot configurations as they are. If that were to be denied, of course, the properties would have to be combined to meet the LI requirements of two acres per lot. And, our recommendation of denial was based on the fact that we only had an application for one parcel. The Planning Commission conditionally approved the request, provided that the application be amended to include those other lots. And, if that were to be done by Council, to amend the application to include those other lots, staff would support rezoning the parcels to a Light Industrial."

Committee Member Steve Davis: "Eric, if I hear you correctly, you are asking us to make the recommendation to amend."

Mr. Greenway: "Yes, Sir; if you would amend to include those other parcels on General Commercial. The property owner is in agreement with that."

Committee Member Steve Davis: "I so move."

Mr. Greenway: "They're going through the process. It would save them an additional \$250.00 if we amend the present application."

Committee Member Steve Davis: "I move to amend the present application."

Mr. Fish: "That's your district."

Committee Member Cathy Davis: "Second."

Motion to amend:

It was moved by Committee Member Steve Davis and seconded by Committee Member Cathy Davis to **amend** the present application/request by Dean Hensley to include other TMS parcels currently zoned General Commercial. The motion passed by unanimous voice vote of the Committee.

Committee Member Steve Davis: "Now, I move – you need another vote, right."

Mr. Greenway: "I think so, yeah, I think..."

Chairman Farley: "Yeah."

Motion to amend becomes main motion:

Committee Member Steve Davis: "I move to concur with the Planning Commission in recommending conditional approval."

Committee Member Schurlknight: "Second."

Chairman Farley: "I have a motion and a second."

Mr. Callanan: "Mr. Chairman?"

Chairman Farley: "Yes."

Mr. Callanan: "Who's district is this?"

Committee Member Cathy Davis: "That's my district."

Mr. Callanan: "Oh; ok; I wasn't clear."

Chairman Farley: "How are you stating that now?"

Committee Member Steve Davis: "All I did was – that we concur with the Planning Commission in recommending conditional approval."

The motion to **approve** the request by **Dean Hensley**, as **amended**, to include other TMS parcels currently zoned General Commercial to the current application/request, was passed by unanimous voice vote of the Committee.

C. Review prior to Second Reading of the following:

1. Bill No. 11-05, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, regarding **Colpar, Inc.**, and requested by T.B. Daniels, located at the end of Diplomat Lane adjacent to I-26 near the College Park Road Interchange, Ladson, **a portion of TMS #242-00-03-052 and TMS #242-00-03-065, #242-00-03-066 and #242-00-03-070**, (6.3 ± total acres), **from R-2, Manufactured Residential District, to GC, General Commercial District**. Council District No. 5

It was moved by Committee Member Cathy Davis and seconded by Committee Member Steve Davis to **approve** review, prior to Second Reading, of **Bill No. 11-05**. The motion passed by unanimous voice vote of the Committee.

2. Bill No. 11-06, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, regarding **MeadWestvaco – Various Entities**, located in the general vicinity of Rose Drive and Turtle Pond Road along Highway 17A, Summerville, **TMS #221-00-00-137, #221-00-00-062, #221-00-00-083, #221-00-00-092, #221-00-00-087, #221-00-00-088, #221-00-00-089, #221-00-00-145, and TMS #221-16-01-019, #221-16-01-020, #221-16-01-022 and #221-16-01-038**, (49 ± acres), **from PDMU, Planned Development Mixed Use District and R-1, Single Family Residential District, to PDMU, Planned Development Mixed Use District**. Council District No. 4

It was moved by Committee Member Cathy Davis and seconded by Committee Member Steve Davis to **approve** review, prior to Second Reading, of **Bill No. 11-06**. The motion passed by unanimous voice vote of the Committee.

3. Bill No. 11-07, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, regarding **John Hopkins**, 1531 Highway 52, Moncks Corner, **TMS #162-00-01-042**, (6.75 acres), **from GC, General Commercial District, to R-1, Single Family Residential District**. Council District No. 8

It was moved by Committee Member Steve Davis and seconded by Committee Member Schurlknight to **approve** review, prior to Second Reading, of **Bill No. 11-07**. The motion passed by unanimous voice vote of the Committee.

4. Bill No. 11-08, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, regarding **James Morrison**, 1833 Highway 6, Pinopolis, a portion of **TMS #082-00-01-076**, (0.22 acre), **from F-1, Agricultural District, to GC, General Commercial District**. Council No. 7

It was moved by Committee Member Pinckney and seconded by Committee Member Steve Davis to **approve** review, prior to Second Reading of **Bill No. 11-08**.

Mr. Fish: "How can he move for approval?"

Committee Member Steve Davis: "He's on the Committee."

The motion passed by unanimous voice vote of the Committee.

5. Bill No. 11-18, a Second Amendment to Ordinance No. 09-06-28, that conveys two acres of land owned by Berkeley County located on Old Highway 6 in Cross, South Carolina, more particularly identified by TMS #041-00-04-061 to the Franklin C. Fetter Health Center.

CORRECTION TO THESE MINUTES:

On June 13, 2011, during the Committee on Land Use Meeting, a correction was made to these minutes. Bill No. 11-18 (above) should have read, as follows:

Bill No. 11-18, an ordinance authorizing the extension of the time period for **Franklin C. Fetter Family Health Clinic, LLC**, to commence construction on two acres of land located in Cross, SC, identified as **TMS 041-00-04-061** and authorizing the County Supervisor to execute the necessary documents for such extension.

It was moved by Committee Member Schurlknight and seconded by Committee Member Steve Davis to **approve** review, prior to Second Reading of **Bill No. 11-18**. The motion passed by unanimous voice vote of the Committee.

Chairman Farley: "I'll entertain a motion to adjourn."

Committee Member Steve Davis: "I so move."

Mr. Greenway: "You've got one more."

Chairman Farley: "What do we have?"

Mr. Greenway: "Third Reading, the non-conforming use amendment."

Committee Member Steve Davis: "Mr. Chairman, I withdraw that motion that I made for adjournment."

D. Review prior to **Third Reading** of the following:

1. Bill No. 11-04, an **ordinance** to amend certain sections of **Ordinance No. 01-08-35**, the Berkeley County Zoning and Development Standards Ordinance, as amended, to provide for the **regulation and duration of non-conforming uses** in the various zoning districts.

It was moved by Committee Member Steve Davis and seconded by Committee Member Schurlknight to **approve** review, prior to Third Reading, of **Bill No. 11-04**. The motion passed by unanimous voice vote of the Committee.

It was moved by Committee Member Steve Davis and seconded by Committee Member Schurlknight to adjourn the meeting of the Committee on Land Use. The motion passed by unanimous voice vote of the Committee.

Meeting adjourned at 7:18 p.m.

June 13, 2011
Date Approved

COMMITTEE ON LAND USE
(Standing Committee of Berkeley County Council)

Chairman: Mr. Phillip Farley, District No. 1

Members: Mrs. Cathy S. Davis, District No. 4
Mr. Jack H. Schurlknight, District No. 6
Mr. Caldwell Pinckney, Jr., District No. 7
Mr. Steve C. Davis, District No. 8

Mr. Timothy J. Callanan, District No. 2, ex officio
Mr. Robert O. Call, District No. 3, ex officio
Mr. Dennis Fish, District No. 5, ex officio
Mr. Daniel W. Davis, Supervisor, ex officio

A **meeting** of the **COMMITTEE ON LAND USE**, Standing Committee of Berkeley County Council, will be held on **Monday, May 9, 2011**, at **6:00 p.m.**, in the Assembly Room, Berkeley County Administration Building, 1003 Highway 52, Moncks Corner, South Carolina.

AGENDA

INVOCATION

PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES OF AMERICA

APPROVAL OF MINUTES:

April 11, 2011

A. Consideration of a proclamation honoring the accomplishments of the 2010-2011 Hanahan High School Wrestling Team.

B. Consideration prior to First Reading of the following:

- 1. Request by W. B. Bazzle, located on 211 Maplewood Road, Moncks Corner, TMS #161-00-02-160, -187, -189, Portion of TMS #161-00-02-031 (13 +/- Acres) from Flex-1, Agricultural District to HI, Heavy Industrial District. Council District No. 6.**
[Staff recommended denial]

[Planning Commission recommended denial – Vote 5-1]

2. **Request by Cypress Village LLC & Worley Investments LLC**, located at 679 Treeland Drive, Ladson, **Portion of TMS #242-00-01-008, -066, -094** (2.04 +/- Acres), from **R-5, Multi-family Residential District & OI, Office Institutional District & Flex-1, Agricultural District to GC, General Commercial District**. Council District No. 5.
[Staff recommended approval]
[Planning Commission recommended approval]
3. **Request by Mark Ahrens**, located on Clements Ferry Road at intersection with Fiddlers Crab Lane, Charleston, **TMS #263-00-02-005** (0.37 Acres) from **GC, General Commercial District to R-2, Manufactured Residential District**. Council District No. 2.
[Staff recommended denial]
[Planning Commission recommended denial]
4. **Request by Dean Hensley**, located at 210 & 216 Cember Way, Summerville, **TMS #232-16-01-001** (1.98 Acres) from **GC, General Commercial District to LI, Light Industrial District**. Council District No. 4.
[Staff recommended denial]
[Planning Commission recommended conditional approval – The conditions placed are for the applicant to rezone all the GC parcels to LI and meet the zoning requirements for Light Industrial.]

C. **Review prior to Second Reading** of the following:

1. **Bill No. 11-05**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Colpar, Inc.**, requested by **T. B. Daniels**, located at the end of Diplomat Lane adjacent to I-26 near the College Park Road Interchange, Ladson, **Portion of TMS #242-00-03-052 & TMS #242-00-03-065, 066, -070** (6.3 +/- Total Acres), from **R-2, Manufactured Residential District to GC, General Commercial District**. Council District No. 5.
2. **Bill No. 11-06**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **MeadWestvaco-Various Entities**, located in the general vicinity of Rose Drive and Turtle Pond Road along Highway 17A, Summerville, **TMS #221-00-00-137, -062, -083, -092, -087, -088, -089, -145 & 221-16-01-019, -020, -022, -038** (49 +/- Acres) from **PDMU, Planned Development Mixed Use District & R-1, Single Family Residential District to PDMU, Planned Development Mixed Use District**. Council District No 4.

3. **Bill No. 11-07**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **John Hopkins**, 1531 Highway 52, Moncks Corner, **TMS #162-00-01-042** (6.75 Acres) from **GC, General Commercial District** to **R-1, Single Family Residential District**. Council District No. 8.
 4. **Bill No. 11-08**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **James Morrison**, 1833 Highway 6, Pinopolis, **Portion of TMS #082-00-01-076** (0.22 Acres) from **Flex-1, Agricultural District** to **GC, General Commercial District**. Council District No. 7.
 5. **Bill No. 11-18**, a **Second Amendment** to **Ordinance No. 09-06-28**, that conveys two acres of land owned by Berkeley County located on Old Highway 6 in Cross, South Carolina, more particularly identified by **TMS# 041-00-04-061** to the **Franklin C. Fetter Health Center**.
- D. Review prior to Third Reading** of the following:
1. **Bill No. 11-04**, an **ordinance** to amend certain sections of **Ordinance No. 01-8-35**, the Berkeley County Zoning and Development Standards Ordinance, as amended, to provide for the **regulation and duration of non-conforming uses** in the various zoning districts.

May 4, 2011
S/Catherine R. Windham
Acting Clerk of County Council